

REFERENCE TITLE: railroad crossings

State of Arizona
Senate
Forty-ninth Legislature
First Regular Session
2009

SB 1153

Introduced by
Senator Verschoor

AN ACT

AMENDING SECTION 40-337, ARIZONA REVISED STATUTES; RELATING TO RAILROAD CROSSINGS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:
2 Section 1. Section 40-337, Arizona Revised Statutes, is amended to
3 read:

4 40-337. Power of commission over railway crossings:
5 application; hearing

6 A. No public highway or street shall be constructed across the track
7 of any railroad at grade, nor shall the track of any railroad corporation be
8 constructed across the track of any other railroad at grade, without the
9 permission of the commission, but this provision shall not apply to the
10 replacement of lawfully existing tracks. EXCEPT AS PROVIDED IN SUBSECTION D,
11 the commission may refuse permission or grant it ~~upon~~ ON such terms and
12 conditions as it prescribes. THE EXECUTIVE DIRECTOR MAY APPROVE RAILROAD
13 CROSSING CONSTRUCTION OR SAFETY PROJECTS THAT COST LESS THAN TWO HUNDRED
14 FIFTY THOUSAND DOLLARS WITHOUT THE COMMISSION'S REVIEW. THE EXECUTIVE
15 DIRECTOR MAY DELEGATE THIS AUTHORITY TO THE STAFF IN CHARGE OF RAILROAD
16 SAFETY ISSUES.

17 B. The commission shall have the exclusive power:
18 1. To determine and prescribe the manner, including the particular
19 point of crossing, and the terms of installation, operation, maintenance, use
20 and protection of each of the crossings.

21 2. To alter or abolish crossings.

22 3. To prescribe the terms ~~upon~~ ON which and the proportions in which
23 the expense of the alteration or abolition of the crossing shall be divided
24 between the parties affected or in interest.

25 C. When the commission finds that public convenience and necessity
26 ~~demands~~ DEMAND establishment, creation or construction of a crossing of a
27 street or highway over, under or ~~upon~~ ON the tracks or lines of any public
28 service corporation, the commission may by order require the establishment,
29 construction or creation of the crossing, and the crossing shall thereupon
30 become a public crossing. The commission shall have the exclusive power to
31 prescribe the character of crossings to be constructed and maintained by
32 railroads where their lines cross public roads or streets of a town or city.

33 D. THE COMMISSION SHALL COMPLETE THE REVIEW AND APPROVAL PROCESS OF
34 GRADE CROSSING APPLICATIONS WITHIN ONE HUNDRED TWENTY DAYS AFTER THE
35 APPLICATION IS SUBMITTED. ONCE A POLITICAL SUBDIVISION HAS SUBMITTED TO THE
36 COMMISSION A GRADE CROSSING APPLICATION FOR REVIEW AND APPROVAL AND THE
37 PROJECT'S SCOPE OF WORK HAS BEEN ACCEPTED BY THE COMMISSION, THE SCOPE OF THE
38 PROJECT SHALL BE VALID FIVE YEARS AND IS NOT SUBJECT TO AMENDMENT BY THE
39 COMMISSION.